

Attorney's Docket No. UNI6-BI57/04MV1093
Non-Fee Response

Serial No. 09/495,492
12/09/04

REMARKS

In the Office Action dated 6/22/04, which was made final ("Final Rejection"), Claims 1-12 and 25 were rejected, and Claims 13-24 and 26-28 were withdrawn from consideration.

A response to the Final Rejection was filed September 17, 2004 ("Response"). In that Response, Applicants' Representative pointed out that the art relied on by the Final Rejection is not prior art because it has a priority date that post-dates Applicants' filing date. In that Response, no amendments to the Claims were made. Claims 1-12 and 25 remained as previously presented, and Claims 13-24 and 26-28 were withdrawn from consideration.

Upon receipt of the Response, the Examiner issued an Advisory Action because a complete listing of the Claims did not accompany the Response. This Advisory Action was discussed in various telephone interviews conducted with the Examiner and the Examiner's Supervisor during November 16-18, 2004. During the last of those interviews, it was agreed that the Examiner would issue a paper indicating withdrawal of the Advisory Action, at which time Applicants' Representative would file a complete listing of the Claims without payment of the two-month extension of time fee that would otherwise be required. This paper was never received from the Examiner.

Because the expected correspondence was never received from the Examiner, a follow-up call was placed to the Examiner on December 7. During that call, the Examiner stated that the listing of Claims required by the Advisory Action should be provided via facsimile even though the paper indicating withdrawal of the Advisory Action had, for some reason, never been sent.

In view of the foregoing, please find included herewith a complete listing of the Claims. It is believed this Claim listing is unnecessary under 37 CFR 1.121 since the Response to the Final Rejection did not amend the Claims in any manner. However, in the spirit of cooperation, and to further prosecution, these

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Claims are being submitted with an understanding that upon receipt of this listing, the Response will be entered and a new action provided.

If there are any questions or concerns regarding this transmission, a call to the undersigned is encouraged and welcomed.

Sincerely,

Beth McMahon 12/09/2004

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